

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHELLE ISAYEVA and KAHOLY FERNANDEZ, *on behalf of themselves, FLSA Collective Plaintiff and the Class,*

Plaintiffs,

-v.-

DIAMOND BRACES, *an unincorporated entity, association, or affiliation,* ORTHOCLUB, P.C. *d/b/a* DIAMOND BRACES, JOHN DOE CORPORATIONS 1-100 *d/b/a* DIAMOND BRACES, and OLEG DRUT,

Defendants.

22 Civ. 4575 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On March 11, 2024, the Court issued its Opinion and Order, principally denying Defendants' motion to dismiss the Second Amended Complaint. (Dkt. #82). Since then, Plaintiffs have filed, in short succession, a motion for conditional collective certification (Dkt. #83-88), a proposed civil case management plan (Dkt. #91-1), and a motion to compel Defendants to enforce a purported class-wide settlement (Dkt. #94-96).

Given that Plaintiffs' motion to enforce a class-wide settlement would be dispositive on this matter, the Court hereby DENIES Plaintiffs' motion for conditional collective certification without prejudice to its renewal, should the Court deny Plaintiffs' motion to enforce the settlement. Likewise, the Court will refrain from entering any civil case management plan until after resolution of the motion to enforce the settlement.

Accordingly, Defendants shall file their opposition to Plaintiffs' motion to enforce on or before **May 10, 2024**. Plaintiffs may file their reply, if any, on or before **May 24, 2024**.

CONCLUSION

The Clerk of Court is directed to terminate the pending motions at docket entries 83 and 94.

SO ORDERED.

Dated: April 10, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge